



CITY OF LODI

COUNCIL COMMUNICATION

AGENDC TITLE: Notice of Public Nuisance and Abatement Order Dated February 7, 1992
Regarding Property Located at **303** East Elm Street

MEETING DATE: February 19, 1992

PREPARED BY: City Clerk

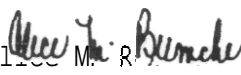
RECOMMENDED ACTION: That the City Council, by motion action, set **for** public hearing on March **4**, 1992, at the request of the Fire Marshal, regarding the Notice of Public Nuisance and Abatement Order, dated August 15, 1991 concerning the property at 303 East Elm Street.

BACKGROUND INFORMATION: On February 7, 1992, the Fire Department issued a Notice of Public Nuisance and Abatement Order for a structure located at **303** East Elm Street, Lodi. During a conversation between the building **owner** and the **Fire** Marshal, the building owner stated that he did not intend to **do** any work to the building.

The building **is** currently unsecured and has combustible waste material within the structure.

Notice of Public Nuisance and Order to Abate have been sent to the legal owner and to **Mr.** Patrick Maniy, who has a legal interest in the property and **is** attempting to regain legal title.

FUNDING: None required.


ALICE M. R. BUNCH
City Clerk

AMR/jnp

APPROVED



THOMAS A. PETERSON
City Manager



**Notice of Public Nuisance and Abatement Order Dated February
1992 Regarding Property Located at 303 East Elm Street**

February 19, 1992

RECOMMENDED ACTION: That the City Council, by motion action. set for public hearing on March 4, 1992, at the request of the **Fire** Marshal, regarding the Notice of Public Nuisance and Abatement Order, dated August 15, 1991 concerning the property at **303** East Lockeford Street.

BACKGROUND INFORMATION: On February 7, 1992, the Fire Department issued a Notice of Public Nuisance and Abatement Order **for** a structure located at 217 East Lockeford Street, Lodi. During a conversation between the building owner and the Fire Marshal, the building owner stated that he did not intend to do any work to the building.

The building is currently unsecured and has combustible waste material within the structure.

Notice of Public Nuisance and Order to Abate have been sent to the legal owner and to Mr. Patrick Manly, who has a legal interest in the property and is attempting to regain legal title. A copy of the subject Notice of Public Nuisance and Abatement Order is attached for your information.

FUNDING: None required

CITY OF LODI
221 WEST PINE STREET
LODI, CALIFORNIA 95240

ADVERTISING INSTRUCTIONS

SUBJECT: NOTICE OF PUBLIC HEARING

PUBLISH DATES: SATURDAY, FEBRUARY 22, 1992

TEAR SHEETS WANTED: THREE

AFFIDAVIT AND BILL TO:

ALICE M. REIMCHE, CITY CLERK

DATED: FEBRUARY 20, 1992

ORDERED BY: 
Alice M. Reimche
City Clerk

ADVINS/TXTA.02J



CITY OF LODI

CARNEGIE FORUM
305 West Pine Street, Lodi

NOTICE OF PUBLIC HEARING

Date: Wednesday, March 4, 1992

Time: 7:30 p.m.

For information regarding this Public Hearing
Please Contact:

Alice M. Reimche
City Clerk
Telephone: 333-6702

ATTENTION: PARTIES OF INTEREST IN THE SUBJECT PROPERTY NOTICE OF PUBLIC HEARING

March 4, 1992

NOTICE IS HEREBY GIVEN that on Wednesday, at the hour of 7:30 p.m., or as Soon thereafter as the matter may be heard, the City Council will conduct a public hearing to consider the following matter:

Notice of Public Nuisance and Order to Abate dated February 7, 1992 addressed to Mr. Bradley B. and B. B. Burrell, 1724 Lakeshore Drive, Lodi, California 95242 regarding property located at 303 East Elm Street, Lodi (Assessor Parcel No. 043-088-0021) issued by Steven W. Raddigan, Fire Marshal, City of Lodi

Information regarding this item may be obtained in the office of the Community Development Director at 221 West Pine Street, Lodi, California. All Interested persons are invited to present their views and comments on this matter. Written statements may be filed with the City Clerk at any time prior to the hearing scheduled herein, and oral statements may be made at said hearing.

If you challenge the subject matter in court, you may be limited to raising only those issues you or someone else raised at the Public Hearing described in this notice or in written correspondence delivered to the City Clerk, 221 West Pine Street, at or prior to the Public Hearing.

By Order Of the Lodi City Council:

Alice M. Reimche
Alice M. Reimche
City Clerk

Dated: February 19, 1992

Approved as to form:

Bobby W. McNatt
City Attorney

CITY OF LODI

FIRE DEPARTMENT

FIRE PREVENTION BUREAU

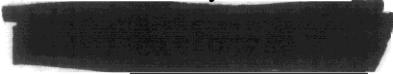
217 WEST ELM STREET

LODI, CALIFORNIA 95240

(209) 333-6739

NOTICE OF PUBLIC NUISANCE AND ORDER TO ABATE

February 7, 1992

Mr. Bradley B. and B.B. Burrell


RE: 303 East Elm Street

NOTICE OF PUBLIC NUISANCE

Public records indicate that **you** are the current legal owner of the real and improved property in the City of Lodi, County of San Joaquin, State of California described as follows: Assessor Parcel No. **043-088-0021**. Said property is more commonly known as **303 East Elm St., Lodi, CA 95240**.

As the property owner, you are hereby notified that the undersigned Fire Marshal of the City of Lodi has inspected said property and declared **it** to be a PUBLIC NUISANCE as defined and prescribed for by Section 2.202(b) of the Fire Code of the **City** of Lodi.

INSPECTIONS AND VIOLATIONS

On February 3, 1992 the undersigned Fire **Marshal** caused said property to be inspected. The following violations were discovered:

1988 UNIFORM FIRE CODE

Sec. **2.201**. (b) All buildings or structures which are structurally unsafe **or** not provided with adequate egress, **or** which constitute a fire hazard **or** are otherwise dangerous to human life, or which in relation to existing use constitutes a hazard to safety **or** health or public welfare, by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, disaster damage or abandonment **as** specified in this code **or** any other effective ordinance, are, **for** the purpose of this section, unsafe buildings.

1988 UNIFORM CODE FOR ABATEMENT OF DANGEROUS BUILDINGS

Sec. 302. Any building or structure which has any or all of the conditions of defects hereinafter described shall be deemed to be a dangerous building, provided that such conditions **or** defects exists to the extent that the life, health, property, or safety of the public or **its** occupants are endangered.

12. Whenever the building or structure has been **so** damaged by fire, wind, earthquake or floods, **or** has become **so** dilapidated **or** deteriorated as to become (i) an attractive nuisance to children; (ii) a harbor for vagrants, criminals or immoral persons; or as to (iii) enable persons to resort thereto for the purpose of committing unlawful or immoral acts.

16. Whenever any building or structure, because **or** obsolescence, dilapidated condition, deterioration, damage, inadequate exits, lack of sufficient fire-resistive construction, faulty electric wiring, gas connections or heating apparatus, or other cause, **is** determined by the fire marshal to be a fire hazard.

VIOLATIONS:

1. There **is** an accumulation of rubbish, trash and other combustible material within the structure and about the premises.
2. The building **is** not secure creating an attractive nuisance to children and a harbor for vagrants, criminal **or** immoral persons.

DETERMINATION

As a result of the foregoing violations, the undersigned Fire Marshal has declared the property to be a PUBLIC NUISANCE and **has** therefore made the following determination:

1. That all combustible waste material shall be removed from the premises and from within the structure.

303 East Elm Street
February 7, 1992
Page 3

TIME PERIOD FOR COMPLIANCE

1. All combustible waste material shall be removed and the structure shall be secured within five (5) days of receipt of this Notice.
2. That the structure be properly secured in an approved manner conforming to Lodi Fire Department Standard No. 701 pending repair or demolition within 10 days.

ORDER TO ABATE

Pursuant to Section 401(b) of the Uniform Code for Abatement of Dangerous Buildings. this Notice constitutes an ORDER to you. the owner of the property in question, TO ABATE the substandard conditions listed herein in a manner and within the time determined above.

This NOTICE OF PUBLIC NUISANCE and ORDER TO ABATE does not relieve you from the requirements of a previous NOTICE OF PUBLIC NUISANCE and ORDER TO ABATE dated September 25, 1991.

APPEAL

Property owners, or those with legal interest in the property who are served with this Notice may appeal the same to the City Council of the City of Lodi under Section 15.20.070 of the Lodi Municipal Code. The appeal which shall be in writing shall state the substance of the order appealed from, shall be submitted to the City Council in care of the City Clerk (221 West Pine Street, Lodi, CA 95240) within ten (10) days from the date of personal service or mailing if the order which is being appealed.

FAILURE TO COMPLY

Whenever an order to repair. vacate and repair. or demolish any building or structure. or any portion thereof. has not been complied with within the time set. whether under appeal or not. the City Council shall have the power, in addition to any other remedy herein provided. to:

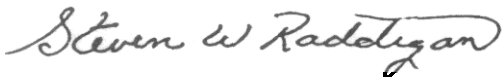
1. Cause the material of any such building or structure to be sold in any manner that the Council may determine upon; provided, however, that any such sale shall be upon condition that the building or structure be forthwith demolished. the wreckage and debris thereof removed and the lot cleaned. The Council may sell any such building singly or otherwise. Any surplus from the sale of any such building or structure, or group of buildings and structure, over and above the cost of demolition and of cleaning the

303 East Elm Street
February 7, 1992
Page 4

site shall be retained to be distributed to the parties or persons lawfully entitled thereto.

2. Cause the building or structure to be repaired or demolished. The cost thereof shall be assessed against the property upon which the particular building or structure is located. The repair or demolition or any building or structure, or sale of the material thereof, shall *be* by a contract awarded following advertisement for bids, to the lowest and best bidder in the case of repair or demolition work and to the highest and best bidder in the case of the sale of material.

Should you require additional information, please contact this office.



Steven W. Raddigan
Fire Marshal

c: City Attorney
Community Development Director
Chief Building Inspector
Code Enforcement Officer

CITY OF LODI

FIRE DEPARTMENT

FIRE PREVENTION BUREAU

217 WEST ELM STREET

LODI, CALIFORNIA 95240

(209) 333-8739

NOTICE OF PUBLIC NUISANCE

AND

ORDER TO ABATE

February 7, 1992

Mr. Patrick Manly

RE: 303 East Elm Street

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Community Development Director
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